IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

FRIDAY, THE SIXTEENTH DAY OF JULY
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE N.V. RAMANA

WRIT PETITION NO : 12346 of 2004

Between:

1.Sri Jagannath Associates, rep. by its Managing Patner, Sri

Dandamudi Babu Rao,D.No. 43-11-56, Rly , New Colony,

Subbalakshmi Nagar, Visakhapatnam, and others.

2. Susi Sea Foods Pvt. Ltd., Sri. Sea Foods Pvt. Ltd., Sri Dandamudi

Babu Rao,D.No. 43-11-56, Rly New Colony, Subbalakshmi Nagar,

Visakhapatnam.
3. D. Babu Rao R/o. D. No. 48-18-66/1, Tulasipeta, Ramatalkies

Jn.Visakhapatnam.
4. Dr. Y.G.K. Murthy, R/o. D.No. 48-18-66/1, Tulasipeta, Ramatalkies

Visakhapatnam.
5. Sri Gopalakrishna Associates, R/o. D.No. 48-18-66 Tulasipeta,
Ramatalkies jn, Visakhapatnam.
6. M/s. Shree Sai Krishna Agrocold Storage Pvt. Ltd., R/o. Door No.

48-18-66 Tulasipeta, Ramatalkies jn, Visakhapatnam.

7. M/s. Sri Gopalakrishna Enterprises, R/o. D.No. 48-18-66 Tulasipeta,
Ramatalkies jn, Visakhapatnam.
8. M/s. Dwaraka Sea Foods, Plot No. 225, Sector 5, MVP Colony,

Visakhapatnam.
9. M/s. Sree Raghavendra Associates, D.No. 9-21-17/2, CBM

Compound, Visakhapatnam.

10. M/s. Pragathi Sea Foods, D.No. 9-21-17/2, CBM compound,

Visakhapatnam.
11. M/s. Navodaya Sea Foods Pvt. Ltd., D.No. 9-21-17/2, CBM

Compound, Visakhapatnam.

12. D. Rajja Bakhatha Singh, D.No. 10-37-11, Ramnagar,

Visakhapatnam.

13 .M/s. Fatima Sea Foods, D.No.6-20-7/26, East Point Colony,

Visakhapatnam.
14 . M/s. Sri Nandini Sea Foods, D.No. 5, Ocean View Layout, Ocean

View Apartments, Visakhapatnam.
15. M/s. St. Antony's, Gamini Associates, D.No. 22-31-2, Kanchara

Street, Beach Road, Visakhapatnam.
16. M/s. Victory Marine Exports Pvt. Ltd., Flat No. 401, Crescent

Towers, Seethammadara, Visakhapatnam.

17. M/s. Anzara Marines, Flat No. 401, Crescent Towers,

Seethammadara, Visakhapatnam.
18. M/s. M.F.V. Thungabadra IIC, Ocean View Layout, Plot No.5

Pandurangapuram, Visakhapatnam.
19. M/s. Kavier Fisheries, IIC Ocean View Apartments, Plot No.5

Ocean View Layout, Visakhapatnam.
20. Capt. J.P. Eraly, M/s. St. Gregorious Marine Flat No. 401,

Crescent Towers, Seethammadara, Visakhapatnam.

21. M.Krishna Murthy, MFV Kalinga Jyothi, F-VSM-63,

Visakhapatnam.

22. M/s. N.G. Marine Pvt. Ltd., rep. by its Director Mr. Pridhviraj, R/o

Flat No.11, 1st Floor, Classic Complex, Prakasarao Peta,

Visakhapatnam.
23. Priya Fisheries Pvt Ltd. D. No. 6-15-44/1, East Point Colony,

Visakhapatnam.
24. Sri Lakshmi Marine Products Ltd. 12, Ocean View Extension,

Visakhapatnam.
25. Sujatha Marines Flat No. 606, Dutch House Apts., China Waltair,

Visakhapatnam.
26. Preethi Sea Foods, Flat No. 606, Dutch House Apts., China

Waltair, Visakhapatnam.

..... PETITIONERS

AND

1. Union of India, Department of Ministry of Petroleum, rep. by

its Secretary, New Delhi.
2. The Indian Oil Corporation Ltd., rep. by Chairman G-9, Ali Yavar

Jung Marg, Bandara (East), Mumbai-400051.

3. The Indian Oil Corporation Ltd., The Divisional consumer Sales

Manager, Marketing Division, Visakha Divisional Officer, 47-13-6,

Gupta Building, Dwarakanagar, Visakhapatnam.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to pass an order or direction especially one in the nature of Writ of Mandamus declaring the action of the respondents in not supplying the HSD oil on subsidized price to the Deep Sea Fishing Vessels of the petitioners, as illegal, arbitrary and violative of Article 14, 19(1)G of the Constitution of India and consequently direct the respondents to supply HSD oil to the petitioenrs Vessels.

Counsel for the Petitioners: MR. KURRA SRINIVAS

Counsel for the Respondent No.1: Mr. S.Ramakrishna Rao (Addl.SC FOR CG)

Counsel for Respondent Nos. 2 and 3: Mr. R. Raghunandana Rao

The Court at the admission stage made the following order:

–

Heard the learned counsel for the petitioners, the learned Additional Standing Counsel for the Central Government for respondent No.1 and Sri. R. Raghunandan for respondent Nos. 2 and 3-Corporation.

It is the case of the petitioners that pursuant to their request made by them to respondent No.3 for supply of duty free HFHSD oil, respondent No.3 by his letter dated 12-5-2004, sought to comply with certain requirements, and even though, they vide their letter 20-5-2004, clarified the position, respondent No.3, without considering the same, is insisting letters from the Customs Department for supply of HFHSD oil and calling upon the petitioners to produce the letters if they intended to have supplies of HFHSD oil.

Having regard to the facts and circumstances of the case, and having regard to the fact that the representation dated
20-5-2004 is pending consideration before respondent No.3, I deem it appropriate to dispose of the writ petition with the following directions:

Respondent No.3 is directed to consider and dispose of the representation

dated 20-5-2004, which purports to be the clarification of the petitioners to his communication dated
12-5-2004, and pass appropriate thereon, expeditiously.

The writ petition is accordingly disposed of. No costs.

_____

N.V. RAMANA, J.

Date: July 16th, 2004.

KSR/BSB

To

1. The Secretary, Department of Ministry of Petroleum,

Union of India, New Delhi.

2. The Chairman, The Indian Oil Corporation Ltd., G-9, Ali Yavar Jung Marg, Gandara (East), Mumbai.

3. The Divisional Consumer Sales Manager, The Indian Oil Corporation Ltd.,, Marketing Division, Visakha Divisional Office, 47-13-6, Gupta Building, Dwarakanagar, Visakhapatnam.

4. Two CD copies.